

HANSEN RASMUSSEN, LLC
1835 Village Center Circle
Las Vegas, NV 89134
(702) 385-5533

1 **JOEL F. HANSEN, ESQ.**
Nevada Bar No. 1876
2 **HANSEN RASMUSSEN, LLC**
1835 Village Center Circle
3 Las Vegas, Nevada 89134
(702) 385-5533
4 joelh@hrnvlaw.com
Attorney for Defendant

6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

CASE NO. 2:16-cr-00046–GMN-PAL

10 Plaintiff,

11 vs.

12 CLIVEN D. BUNDY, et al,

13 Defendants

14 **DEFENDANT CLIVEN BUNDY’S BENCH BRIEF CONCERNING LEGAL**
15 **CONSEQUENCES OF THE COURT’S DENIAL OF RIGHT OF COUNSEL AND FORCED**
16 **DENIAL OF SPEEDY TRIAL PURSUANT TO SIXTH AMENDMENT OF THE**
17 **CONSTITUTION AS WELL AS DENIAL OF HIS RIGHTS OF DUE PROCESS OF LAW**
18 **UNDER THE FIFTH AMENDMENT**

17 Defendant Cliven Bundy hereby puts the Magistrate Judge on notice that he will be moving to
18 have the superceding indictment dismissed in part on the grounds that the Honorable Gloria Navarro’s
19 non-meritorious denial of Attorney Larry Klayman’ Application for Pro Hac Vice status before this
20 Court has caused Defendant Cliven to forfeit his Constitutional and Statutory Right to a Speedy Trial.
21 The following cases stand for the black letter legal principal that a criminal defendant has a nearly
22 absolute right to choose his counsel, even when there is already local counsel in the case. Here,
23 Defendant Bundy intended to be represented by two lawyers, given the complexity of this case.

24 *United States v. Gonzalez-Lopez*, 548 U.S. 140, 142 (U.S. 2006): This Supreme Court case
25 addresses the right to have more than one counsel of choice, particularly in a complicated case such as
26 this one. The case is closely analogous to the facts of the Bundy case. Defendant retained a counsel of
27 choice (local Missouri counsel Dickhaus) and wanted Attorney Low to come in *pro hac vice* as well.

28 ///

1 The lower court improperly denied Low's PHV and on appeal the Supreme Court found that Defendant
2 was denied sixth amendment right to choice of counsel and vacated the conviction. See also *United*
3 *States v. Walters*, 309 F.3d 589, 591 (9th Cir. Cal. 2002); *United States v. Panzardi Alvarez*, 816 F.2d
4 813, 815 (1st Cir. P.R. 1987).

5 This denial to allow Mr. Klayman into this case Pro Hac Vice is causing the involuntary
6 forfeiture of Defendant Bundy's right to a speedy trial. His lone counsel, Mr. Hansen, does not have
7 the resources to defend him. As the government claims, the case is complex, and while the government
8 has unlimited resources, Mr. Hansen does not.

9 The following cases stand for the proposition that denial of the right to a speedy trial will result
10 in dismissal of the indictment. The Fifth Amendment guarantees that defendants will not be denied due
11 process as a result of excessive preindictment delay." *United States v. Sherlock*, 962 F.2d 1349, 1353
12 (9th Cir.1989). In this case, the government delayed 22 months before bringing the indictment.
13 Furthermore, the Court created indefinite delay in not allowing Attorney Klayman into this case is
14 causing further and fatal prejudice to Defendant Bundy's right to a speedy trial. *Barker v. Wingo*, 407
15 U.S. 514, 530, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972).

16 There are a myriad of other cases supporting these legal standards and propositions which will
17 be fully briefed in subsequent pleadings. Further, Defense Counsel for Mr. Bundy will be filing a
18 Motion to Disqualify Judge Navarro on the basis of extra judicial bias and prejudice, particularly given
19 the unfounded and outrageous attacks on Mr. Bundy and his family by Senator Harry Reid and President
20 Obama, the people behind the nomination and appointment of Judge Navarro. Harry Reid has called
21 Cliven Bundy a domestic terrorist and suggested that he should be imprisoned for life. President Obama
22 has openly mocked and attacked Defendant Bundy at a White House Correspondents' dinner.

23 As the indictment is likely to be dismissed under these circumstances, there are compelling
24 reasons to grant bail to Defendant Bundy, currently being held in solitary confinement in indefinite
25 detention. An objection to the Magistrate's Detention Order is currently before Judge Navarro, which

26 ///

27 ///

28 ///

1 is an additional reason why she should be disqualified forthwith before further damage is done to Mr.
2 Bundy and his family.

3 DATED this 22nd day of April, 2016.

Respectfully submitted,

4
5 BY: /s/ Joel F. Hansen
6 JOEL F. HANSEN, ESQ.
7 Nevada Bar # 1876
8 1835 Village Center Circle
9 Las Vegas, NV 89134
10 *Attorney for Cliven Bundy*
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5 (b), I hereby certify that on this 22nd day of April, 2016, I served a copy of the foregoing DEFENDANT CLIVEN BUNDY'S BENCH BRIEF CONCERNING LEGAL CONSEQUENCES OF THE COURT'S DENIAL OF RIGHT OF COUNSEL AND FORCED DENIAL OF SPEEDY TRIAL PURSUANT TO SIXTH AMENDMENT OF THE CONSTITUTION AS WELL AS DENIAL OF HIS RIGHTS OF DUE PROCESS OF LAW UNDER THE FIFTH AMENDMENT as follows:

- ☒ Electronic Service - via the Court's electronic service system; and/or
- ☐ U.S. Mail – By depositing a true copy thereof in the U.S. mail, first class postage prepaid and addressed as listed below; and/or
- ☐ Facsimile – By facsimile transmission pursuant to EDCR 7.26 to the facsimile number(s) shown below and in the confirmation sheet filed herewith. Consent to service under NRCP 5(b)(2)(D) shall be assumed unless an objection to service by facsimile transmission is made in writing and sent to the sender via facsimile within 24 hours of receipt of this Certificate of Service; and/or
- ☐ Hand Delivery – By hand - delivery to the address listed below.

Ryan Norwood
William C. Carrico
Rene Villadares
Federal Public Defenders Office
411 E. Bonneville Ave.
Las Vegas, NV 89101
Attorneys for Ryan Payne

Joshua Tomsheck
Hofland & Tomsheck
228 S. Fourth Street
Las Vegas, NV 89101
Attorney for Peter T. Santilli, Jr.

Lucas Gaffney
Oronoz, Ericson & Gaffney LLC
1050 Indigo Drive, Suite 120
Las Vegas, NV 89145
Attorney for Melvin Bundy

Brian James Smith
Law Office of Brian J. Smith, Ltd.
9525 Hillwood Dr., Ste. 190
Las Vegas, NV 89134
Attorney for Gerald A. Delemus

Jess R. Marchese
Law Office of Jess R. Marchese
601 South Las Vegas Blvd.
Las Vegas, NV 89101
Attorney for Eric J. Parker

1 Craig W. Drummond
Drummond Law Firm
2 228 S. Fourth Street, 1st Flr.
Las Vegas, NV 89101
3 *Attorney for O. Scott Drexler*

4 Shawn R. Perez
Law Office of Shawn R. Perez
5 626 South Third Street
Las Vegas, NV 89101
6 *Attorney for Richard R. Lovelien*

7 Richard E. Tanasi
601 South Seventh Street, 2nd Floor
8 Las Vegas, NV 89101
Attorney for Steven A. Stewart

9 Julian R. Gregory
Law Office of Julian Gregory
10 324 S. 3rd Street, Ste. 200
Las Vegas, NV 89101
11 *Attorney for Todd C. Engel*

12 Terrence M. Jackson
Law Office of Terrence M. Jackson
13 624 South Ninth Street
Las Vegas, NV 89101
14 *Attorney for Gregory P. Burleson*

15 Andrea Lee Luem
Law Office of Andrea L. Luem
16 499 South 4th Street, Ste. 280
Las Vegas, NV 89101
17 *Attorney for Joseph D. O'Shaughnessy*

18 Chris Arabia
601 S. 10th Street
19 Las Vegas, NV 89101
20 *Attorney for Micha L. McGuire*

21 Kristine M. Kuzemka
Kuzemka Law Group
22 9345 W. Sunset Road, Ste 100
Las Vegas, NV 89148
23 *Attorney for Jason D. Woods*

24 Cal J. Potter, III, Esq.
C.J. Potter, IV, Esq.
25 POTTER LAW OFFICES
1125 Shadow Lane
26 Las Vegas, NV 89102
Attorneys for David H. Bundy

27
28

1 Erin M. Creegan, Esq.
Nadia Janjua Ahmed, Esq.
2 Nicholas D. Dickinson, Esq.
Daniel Bogden, Esq.
3 U.S. Attorney's Office
333 Las Vegas Blvd. South, Ste. 5000
4 Las Vegas, NV 89101
Attorneys for Plaintiff
5

6
7 /s/ Lisa Sabin
An Employee of HANSEN ♦ RASMUSSEN
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28